CHAPTER cxlviii.

An Act for making Railways to Bothwell and Hamilton, and other places in the county of Lanark; and for other purposes. [16th July 1874.]

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WHEREAS the railways herein-after described would be of great local and public advantage, and the persons herein-after named, with others, are willing, at their own expense, to construct the same, and it is expedient that they should be incorporated for the purpose of carrying the undertaking into execution:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Lanark, at his offices at Glasgow, Airdrie, and Hamilton respectively, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Glasgow, Bothwell, Hamilton, and Coatbridge Railway Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses

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Consolidation (Scotland) Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863," are, except where varied by or inconsistent with this Act, incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; and the expressions "the railways," and "the undertaking," mean respectively the railways and the undertaking by this Act authorised.

Company incorporated.

4. John Addie, Archibald Orr Ewing, M.P., William Smith Dixon, James Baird, James Addie, Alexander Whitelaw, M.P., Gavin Addie, David Wallace, John Hendrie, William Weir, William Beardmore, John Scott, Isaac Beardmore, Andrew Cassels, John Tainsh, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Glasgow, Bothwell, Hamilton, " and Coatbridge Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, and all proper stations, junctions, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose.

Description of railways.

6. The railways herein-before referred to and authorised by this Act are—

First. A railway (called railway No. 1), five miles three furlongs three chains and eleven yards, or thereabouts, in length, commencing by a junction with the North British Railway Company's Glasgow and Coatbridge Railway at a point thereon one hundred and twenty-three yards, or thereabouts, eastward from the booking office of the Shettlestone Station of that railway,

and terminating at a point two hundred yards, or thereabouts, southward from the south-eastern corner of the villa at Bothwell, called Elmwood, in the occupation of William Shaw:

Second. A railway (called railway No. 2), four miles four furlongs seven chains and six yards, or thereabouts, in length, commencing by a junction with railway No. 1 at a point thereon three hundred and eighty yards, or thereabouts, northward from the north-west corner of the Free Church at Kirkfield of Bothwell, and terminating by a junction with the Palace Craig Branch of the North British Railway at a point thereon eighty yards, or thereabouts, westward from the centre of the bridge in course of construction for carrying the parish road leading from Old Monkland Church to and beyond Calder over the said Palace Craig Branch Railway:

Third. A railway (called railway No. 3), five furlongs and four chains, or thereabouts, in length, commencing by a junction with railway No. 2 at a point thereon eighty-seven yards, or thereabouts, northward from the pit called Quarry Pit, near Bogside, on the estate of Garturk, occupied by William Dixon (Limited), and terminating by a junction with the railway belonging to Messrs. Robert Addie and Sons, leading from the Rosehall Railway to Rosehall No. 10 pit, at a point thereon, on the estate of Rosehall, ninety yards, or thereabouts, westward from Rosehall No. 5 pit:

Fourth. A railway (called railway No. 4), seven furlongs three chains and fourteen yards, or thereabouts, in length, commencing on the estate of Rosehall by a junction with railway No. 2 at a point thereon four hundred and ten yards, or thereabouts, southward from the south-east corner of the farm steading of East Shawhead, in the occupation of Alexander Shanks, and terminating on the said estate of Rosehall at a point forty-seven yards, or thereabouts, south-westward from Rosehall No. 11 pit:

Fifth. A railway (called railway No. 5), two furlongs eight chains and nineteen yards, or thereabouts, in length, commencing by a junction with railway No. 2 at a point thereon, on the estate of Rosehall, sixty-three yards, or thereabouts, south-westward from the centre of the bridge carrying the public road from Bellshill to Whifflet over the North Calder Water, and terminating by a junction with the Rosehall Railway at a point thereon, on the estate of Rosehall, one hundred and seventy-eight yards, or thereabouts, northward from Rosehall No. 13 pit:

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Sixth. A railway (called railway No. 6), two miles five furlongs four chains and nineteen yards, or thereabouts, in length, commencing by a junction with railway No. 1 at the point hereinbefore described as the termination of that railway, and terminating in the town or burgh of Hamilton, one hundred and forty yards, or thereabouts, north-eastward from the north-east corner of Auchingrammont United Presbyterian Church:

Seventh. A railway (called railway No. 7), six furlongs four chains and two yards, or thereabouts, in length, commencing by a junction with railway No. 6 at a point thereon, near the junction of the Strathaven branch with the Hamilton branch of the Caledonian Railway, thirty yards, or thereabouts, southward from the south face of the culvert by which the said Strathaven branch is carried over the Park Burn, and terminating at a point sixty yards, or thereabouts, southward from the south-west corner of the farm steading of Birdsfield, in the occupation of Archibald Craig.

Certain properties not to be taken compulsorily.

7. The Company shall not enter upon or take compulsorily under the powers of this Act, the properties numbered on the deposited plans of railway No. 6, 49, 73 to 84 inclusive, 88 to 94 inclusive, 95 (so far as belonging to Thomas Torrance), and 107 to 114 inclusive, all in the parish of Hamilton.

Capital.

8. The capital of the Company shall be five hundred thousand pounds, divided into fifty thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to divide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred "half share;" but the Company shall not so divide any share under

the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; that is to say, first, in payment of dividend after such rate, not exceeding six pounds per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Priority of dividends on preferred half shares.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Registration of half shares.

14. Forthwith after the creation of any half shares, the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost; and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

15. The terms and conditions on which any preferred half share or deferred half share created under the authority of this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

16. The provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the forfeiture of shares for

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nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Rights of holders of half shares.

18. The several half shares created under the authority of this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred and sixty-six thousand pounds; but no part thereof shall be borrowed until the whole capital of five hundred thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a judicial factor.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor; and in

order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom application for a judicial factor is made shall not be less than five thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

22. All moneys raised under this Act, whether by shares, borrowing, or debenture stock, shall be applied for the purposes of this Act only.

First and subsequent ordinary meetings.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of March or April and September or October, and all meetings of the Company, whether ordinary or extraordinary, shall be held in Glasgow, or in such other place as the directors may from time to time appoint.

Quorum of meetings.

24. The quorum of every general meeting of the Company shall be ten shareholders, present personally or by proxy, holding in the aggregate not less than four thousand pounds in the capital of the Company.

Number of directors.

25. The number of directors shall be six, but the Company may from time to time reduce the number to five.

Qualification of directors.

26. The qualification of a director shall be the possession in his own right of not less than fifty shares in the capital of the Company.

Quorum of directors.

27. The quorum of a meeting of directors shall be three.

First directors.

28. John Addie, Archibald Orr Ewing, M.P., William Smith Dixon, John Hendrie, James Baird, and William Beardmore shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; and at such meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and

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at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions contained in "The Companies Clauses Consolidation (Scotland) Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by that Act.

Domicile of the Company.

29. The domicile of the Company, with reference to all judicial proceedings or actions at law, shall be held to be in Glasgow.

Land for extraordinary purposes.

30. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation (Scotland) Act, 1845," shall not exceed ten acres.

Powers for compulsory purchases limited.

31. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

As to shutting up of portion of Rosehall Railway.

32. And whereas by the construction of the railways certain parts of the private railway called the Rosehall Railway will be rendered unnecessary: Therefore the Company shall, before opening for traffic any portion of railway No. 2 situate between Bellshill and the termination thereof, shut up and cause to be abandoned and disused so much of the said private railway as is situate to the northward of the point where the same is crossed by railway No. 3, on such terms as may have been agreed upon between the Company and the owners of the said private railway and other parties interested therein, or failing agreement as may have been settled by arbitration.

As to construction of railway at Glasgow and Shotts Turnpike Road.

33. In constructing railway No. 1 it shall be lawful for the Company, with the consent in writing of the trustees of the Glasgow and Shotts Turnpike Road, and of the owner, lessees, and occupiers of the plantation on the west side of the road numbered on the deposited plans 154, in the parish of Bothwell, to deviate the railway through the said plantation, but so that such deviation shall not extend beyond the distance of thirty yards at any point from the centre line of the railway as shown on the said plans.

Mode of construction of bridges over and under

34. The Company shall construct railway No. 1, railway No. 2, and railway No. 6 across the existing and authorised lines and works, and the lands of the Caledonian Railway Company, in accord-

ance with the following provisions, and not otherwise; that is to say,

Caledonian Railway.

(1.) Every bridge for carrying any of the said railways over any such line, works, or lands shall be constructed so as to leave a clear height of not less than fourteen feet at all points between the under surface of such bridge and the level of the highest portion of the rails of the Caledonian Railway Company under the same:

(2.) The bridges for carrying the railways numbered respectively as herein-after mentioned over such lines, works, and lands of the Caledonian Railway Company, at or near the points of crossing distant as herein-after stated from the commencement of such respective railways, measuring along the lines thereof as shown on the deposited plans, shall be constructed with openings of a clear span on the square, not less than the spans herein-after specified respectively; viz.,

Railway.	Point of Crossing about			Span.
No.	Miles.	Furlongs.	Chains.	Feet.
1	1	4	0	30
1	3	6	5	60
2	0	5	5	30
2	0	7	0	30
2	4	2	2	50
6	2	2	0	70

Provided always, that the Company shall continue the last-mentioned bridge over the whole breadth of the lands of the Caledonian Railway Company at the point of crossing, with additional openings of such spans as shall be fixed by the engineer of that company, or by arbitration in the event and manner herein-after mentioned: Provided also, that if the Caledonian Railway Company shall at any time resolve to lay down two additional lines of rails along those parts of their lines which are crossed by the bridges first and fourthly mentioned in the preceding table respectively, and shall require the Company to enlarge such bridges respectively so that the openings thereof shall be of a clear span on the square of not less than fifty feet, the Company shall enlarge such respective bridges accordingly: Provided further, that in the event of the Company constructing any of the said railways across any of such lines, works, or lands in a line differing from the centre line thereof as shown on

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the deposited plans, it shall be determined by arbitration in manner herein-after mentioned whether and to what extent the span of the bridge for carrying any such railway across any such line, works, or lands shall be increased beyond the span herein-before provided:

(3.) The bridge for carrying the Caledonian Railway Company's line over railway No. 2 at or near the point distant about one mile six furlongs and five chains from the commencement of that railway, measuring along the line thereof as shown on the deposited plans, shall be of a width not less than thirty feet on the square between the parapets: Provided always, that if the Caledonian Railway Company shall at any time resolve to lay down two additional lines of rails along their line, where the same is carried by a bridge over railway No. 2 as aforesaid, and shall require the Company to enlarge the said bridge so that the same shall be of a width not less than fifty feet on the square between the parapets, the Company shall enlarge such bridge accordingly:

(4.) Railway No. 6, where it is carried across the Caledonian Railway Company's lines, works, and lands at or near the point distant about seven furlongs and three chains from the commencement of that railway, measuring along the line thereof as shown on the deposited plans, shall be constructed on a level not higher than that shown on the deposited sections, and shall be carried in tunnel or covered way under the whole breadth of the Caledonian Railway Company's lines and sidings at the point of crossing; and such tunnel or covered way shall from time to time be extended by the Company through so much of the lands on either or both sides of the said lines purchased by the Caledonian Railway Company previously to the twenty-fourth day of June one thousand eight hundred and seventy-four, as shall from time to time be required by that company for sidings or other works:

(5.) All of the bridges and works herein-before mentioned, and all other works which may be constructed by the Company, so far as passing over or under, or in any manner interfering with any lines, works, or lands belonging to the Caledonian Railway Company, shall be of such design and materials as shall be approved of by the engineer for the time being of that Company, and shall be constructed and completed under the superintendence and to the

reasonable satisfaction in all respects of such engineer, and according to working plans, sections, and specifications to be submitted to and approved of by him previously to the commencement of the works affecting the property of the said Company; and all costs, charges, and expenses incurred to such engineer in relation to the matters aforesaid shall be paid by the Company:

(6.) All of the said bridges and other works shall be made and for ever maintained and used, and all operations connected therewith shall be conducted in such manner as not to injure or endanger the stability of any of the lines or works, nor to cause any interruption, impediment, or inconvenience to the traffic of the Caledonian Railway Company; and if in the construction, maintenance, or use of any of the said bridges or works of the Company any injury be caused to any of the Caledonian Railway Company's lines or works, or any interruption, impediment, or inconvenience be occasioned to their traffic, the Company shall pay all damages arising from or consequent on such injury, interruption, impediment, or inconvenience:

(7.) If, within six months after the Company shall have enlarged any of their bridges, under a requisition by the Caledonian Railway Company in manner before provided, the Caledonian Railway Company shall not have laid down the additional lines of rails for which such bridges shall have been so enlarged, that company shall on demand pay to the Company the expense incurred by them in such enlargement; and the amount of such expense shall in case of difference be determined by arbitration in manner herein-after provided:

(8.) If any difference shall at any time arise between the Company and the Caledonian Railway Company, or their respective engineers, with respect to any of the matters referred to in this section, such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of either of the said Companies at the cost of the Company, and the decision of such engineer shall be final and conclusive: Provided always, that if in any case such engineer shall decide that the contention of the Caledonian Railway Company has been unreasonable, that company shall pay their own costs:

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Restricting interference with property of Caledonian Railway Company.

35. The Company shall not, without the previous consent of the Caledonian Railway Company under their common seal, enter upon or interfere with any railways, works, or lands belonging to that company, or any lands in the parish of Old Monkland which that company have obtained or may obtain power to acquire compulsorily by any Act of the present session of Parliament, further or otherwise than is necessary for constructing across the said railways, works, and lands, railway No. 1, railway No. 2, and railway No. 6 as double lines of railway in manner herein-before specially provided; and the Company shall not without such consent alter the line or levels of any of the railways or works of the Caledonian Railway Company, nor take or acquire any of the lands belonging to that company, or which they may have obtained or may obtain power to acquire as aforesaid, or any right therein, other than an easement or right of making, maintaining, and using the said railways by this Act authorised across the same in manner aforesaid.

Inclinations of roads.

36. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
		Railway No. 1.	
10	Old Monkland -	Parish road -	Level on one side, and 1 in 12 on the other.
35	Old Monkland -	Parish road -	Level on one side, and 1 in 12 on the other.
51	Old Monkland -	Parish road -	Level on one side, and 1 in 15 on the other.
		Railway No. 7.	
120	Hamilton - -	Turnpike Road -	Level on one side, and 1 in 20 on the other.

Houses of labouring classes.

37. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that the Company have so made known their intention.

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Repayment of deposit money.

38. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of twenty-three thousand eight hundred and fifty-four pounds ten shillings, being five per centum upon the amount of the estimate in respect of the railways, has been deposited in the Court of Exchequer in Scotland in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said Act, the said sum of money so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

39. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "Edinburgh Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum

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of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Exchequer in Scotland thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a judicial factor has been appointed, shall wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company, for the benefit of the creditors thereof: Provided, that until the said sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall, from time to time and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

40. The railways shall be completed within five years from the passing of this Act; and if the railways shall not be completed within that period, then, on the expiration thereof, the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

41. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following sums; (that is to say,)

In respect of passengers and animals conveyed on the railways:

For every person, twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of one penny per mile:

For every horse, mule, ass, or other beast of draught or burden, fivepence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of twopence per mile:

For one ox, cow, bull, or head of neat cattle, threepence per mile; for two oxen, cows, bulls, or neat cattle, the property of the same person, twopence per head per mile; and for more than

two oxen, cows, bulls, or neat cattle, the property of the same person, one penny halfpenny per head per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of one penny per mile:

For every calf, pig, sheep, lamb, or other small animal, one penny halfpenny per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of one halfpenny per mile.

In respect of goods conveyed on the railways:

For all coal, dung, compost, manure (except guano and artificial manures), lime, limestone, and all undressed materials for the repair of public roads or highways, per ton per mile twopence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny:

For all coke, culm, charcoal, cinders, stones for building, pitching, and paving, bricks, tiles, slates, clay, sand, ironstone, iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron, and iron castings, not manufactured into utensils or other articles of merchandise, per ton per mile twopence halfpenny; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one halfpenny:

For all sugar, grain, corn, flour, hides, dyewood, earthenware, guano, artificial manures, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, per ton per mile threepence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny halfpenny:

For all cotton and other wools, drugs, manufactured goods, fish, and other wares, merchandise, articles, matters, and things (except small parcels and single articles of great weight as herein-after defined), per ton per mile fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of twopence:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway and not weighing more than one ton, if conveyed on a truck or platform belonging to or provided by the Company, sixpence per mile, and one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

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Tolls for propelling power.

42. The toll which the Company may demand and take for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls and charges.

43. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railways for a less distance than three miles, the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges as for one mile:

For a fraction of a ton the Company may demand tolls and charges according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

44. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything contained in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railways:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence;

And for any parcels exceeding fifty-six pounds in weight, such sum as the Company think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee,

meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railways:

For any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall be less than four tons, the Company may demand such sum as they think fit not exceeding fourpence per ton per mile; and if the weight shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit not exceeding sixpence per ton per mile:

For any light piece of machinery or other article requiring a whole truck or more than one truck, the Company may demand sixpence per truck per mile:

For any single piece of timber, stone, machinery, or other single article the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

45. The maximum rates of charge to be made by the Company for the conveyance of passengers on the railways, including the tolls for the use of the railways and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence per mile:

For every passenger conveyed in a second-class carriage, twopence per mile:

For every passenger conveyed in a third-class carriage, one penny halfpenny per mile.

Maximum rates for animals and goods.

46. The maximum rates of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways, including the tolls for the use of the railways and for waggons or trucks and locomotive power, and every other expense incidental to the conveyance, (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company,) shall not exceed the following sums; (that is to say,)

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For every horse, mule, ass, or other beast of draught or burden, per mile fourpence:

For one ox, cow, bull, or head of neat cattle, per mile threepence; and for two or three oxen, cows, bulls, or neat cattle, the property of the same person, per head per mile twopence; and for more than three oxen, cows, bulls, or neat cattle, the property of the same person, per head per mile one penny halfpenny:

For every calf, pig, sheep, lamb, or other small animal, per mile one penny halfpenny:

For coal and the other articles herein-before classed therewith, if conveyed on the railways for any distance not exceeding six miles, twopence per ton per mile; and if conveyed thereon for any distance exceeding six miles, twopence per ton per mile for the first six miles, and one penny halfpenny per ton per mile for each additional mile:

For coke and the other articles herein-before classed therewith, if conveyed on the railways for any distance not exceeding six miles, twopence halfpenny per ton per mile; and if conveyed thereon for any distance exceeding six miles, twopence halfpenny per ton per mile for the first six miles, and one penny halfpenny per ton per mile for each additional mile; but if any truck in which such coal or other articles are conveyed is not loaded to the extent of four tons at the least, the Company may charge threepence per ton per mile for the entire distance travelled:

For sugar and the other articles herein-before classed therewith, per ton per mile threepence:

For cotton and the other articles herein-before classed therewith, per ton per mile fourpence:

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence; and if weighing more than one ton, not exceeding one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

47. Every person travelling on the railways may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Charges for extra services.

48. In addition to the tolls, rates, and charges above mentioned, the Company may demand and take a reasonable sum for the use of any warehouse, wharf, basin, or depôt belonging to them, and a further reasonable sum for the trouble occasioned by collecting or delivering goods and other articles, and other services incidental to the business of a carrier, where such services respectively shall be performed by the Company.

Charges for cranes and weighing machines.

49. The Company may demand and take for the use of any cranes or weighing machines erected by them, of and from the owner or person having charge of any goods, articles, or things loaded or unloaded or weighed by means of the same, such reasonable charges as may from time to time be fixed by the Company.

Terminal station.

50. No station shall be considered a terminal station in regard to any goods conveyed on the railways, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat or therefrom to the consignee.

Restrictions as to charges not to apply to special trains.

51. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods on the railways.

Company may take increased charges by agreement.

52. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company not bound to carry manure.

53. Nothing contained in this Act shall make it compulsory on the Company to carry on the railways any nightsoil, dung, manure, compost, or other offensive matter between sunrise and sunset.

Running powers over specified railways.

54. The Company may run over and use with their engines, trucks, and carriages of every description, and by their clerks, officers, and servants, for the purposes of traffic arising on or destined to the railways, or any part thereof, the following railways or portions of railways, with the stations, junctions, wharfs, cranes, sidings, offices, buildings, platforms, approaches, watering-places, works, conveniences, and accommodations on or connected or used therewith (all herein-after termed "the specified railways"), that

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is to say, (1.) The portion of the Glasgow and Coatbridge Railway of the North British Railway Company situate to the westward of the commencement of railway No. 1, and the portions of railways leading from the said Glasgow and Coatbridge Railway into the station at the College, Glasgow, belonging to or occupied by the North British Railway Company; (2.) The portion of the said Glasgow and Coatbridge Railway situate to the eastward of the commencement of railway No. 1, and such of the several railways or portions of railways, by whatever name known, belonging to or worked by the North British Railway Company, leading from the said Glasgow and Coatbridge Railway to Sunnyside Junction, Gartsherrie Iron Works, Coatbridge, Airdrie South Station, Rochsolloch, Whifflet Junction, and Palace Craig, as are or may be laid and worked as double and not as single lines.

Local traffic not to be interfered with.

55. In using the specified railways under the powers by this Act conferred, the Company shall not, except with the consent in writing of the owners of the same, take up any traffic at any station on the specified railways and deliver the same at any other station thereon.

Owners of specified railways to give effect to running powers.

56. The owners of the specified railways shall from time to time, from the expiration of one month after notice in writing so to do given to them by the Company, make all arrangements and afford and render all services and facilities for giving full effect to the powers by this Act conferred on the Company of running over and using the specified railways.

Tolls and terms for use of railways.

57. The tolls and other moneys to be paid, and the terms and conditions to be observed and performed by the Company for and in respect of the use of the specified railways, and the services and facilities aforesaid, and the apportionment of the tolls, rates, and charges in respect of the through route over which the traffic may be carried, may be from time to time agreed on between the Company and the owners of the specified railways, or, in case of difference, shall be determined by arbitration as herein-after provided: Provided always, that before apportioning the through rate there shall be deducted therefrom the government duty in respect of passengers, and the usual terminals for goods, mineral, and live stock traffic according to the regulations of the railway clearing house in force for the time being, and such terminals upon coal and lime and other articles not regulated by the clearing house as may be agreed upon, or, in case of difference, as may be fixed by arbitration, which shall belong and be paid to the Company entitled thereto: Provided also, that in using the specified railways

the Company shall be subject to the byelaws and regulations for the time in force of the owners of such railways.

Saving agreement between the North British and City of Glasgow Union Railway Companies.

58. Nothing in this Act contained shall prejudice or affect the rights of the North British Railway Company or the City of Glasgow Union Railway Company respectively, under the agreement between the said companies which is scheduled to "The City of Glasgow Union Railway Act, 1869;" nor shall any enactment or provision of this Act be held or construed to extend to or regulate or affect the respective rights and powers of the said companies in and over the joint lines of railway the construction and use of which are provided for in the said agreement.

Facilities for transmission of traffic.

59. In order to facilitate the transmission of traffic passing or directed or intended to pass to, from, or over the railways from, to, or over the railways of the North British Railway Company, including all railways leased, used, or worked by them, the North British Railway Company shall give to the Company in respect of the traffic in this section mentioned all such facilities as are usual or useful for the convenient working or development of railway traffic, including among other things through rates and fares, through booking, through tickets and invoices, and shall accommodate, manage, and forward such traffic, and give such facilities as effectually, regularly, and expeditiously as if it were the proper traffic of the North British Railway Company; and the terms and conditions on which such facilities shall be given, the through rates and fares to be charged in respect thereof, and the apportionment of such rates and fares, may be agreed on by and between the Company and the North British Railway Company, and in case of difference shall be determined by arbitration as herein-after mentioned.

Arbitrations.

60. Any matter arising under this Act between the Company and the owners of the specified railways, or between the North British Railway Company and the Company, which is by this Act appointed to be determined by arbitration, shall be determined by arbitration under the provisions of "The Railway Companies Arbitration Act, 1859," or may, at the instance of any of the parties, be referred to the commissioners acting under "The Regulation of Railways Act, 1873," in lieu of being referred to arbitration: Provided always, that if the arbitrator or commissioners shall be required to fix or apportion the tolls, rates, and charges payable by the Company (when they exercise the running powers or facilities conferred by this Act), they shall take into consideration all the circumstances of the case, including any special expense incurred

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in respect of the construction, maintenance, or working of the railways forming the route by which the traffic is carried, or of the stations and other conveniences connected therewith, as well as any special charges which the company or companies owning such railways may be entitled to make in respect thereof: Provided also, that if in the exercise of the user of the Bellgrove Station by the Company under the powers by this Act conferred, it shall be necessary to enlarge the same for the accommodation of the traffic of the Company, the Company shall contribute to the owners thereof such share of the expense of such enlargement as may be agreed upon, or as shall, in case of difference, be settled by arbitration in manner herein-before provided.

Tolls on traffic conveyed on railways worked continuously.

61. The railways and the specified railways or any of them shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways and partly on the specified railways or any of them for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways and partly on the specified railways or any of them.

Interest not to be paid on calls paid up.

62. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation (Scotland) Act, 1845."

Deposits for future Bills not to be paid out of capital.

63. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

64. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

65. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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